



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MEMORANDUM

TO: Interested persons
FROM: Michael J. Sullivan *MJS*
SUBJECT: Use of Local Access Cable Television for Political Purposes

This office occasionally receives questions concerning the legality of using cable television to cablecast information about candidates and local ballot questions. Almost all questions relating to the political use of cable television resources are controlled by the federal Communications Act of 1934, as amended, and the related state law, M.G.L. c. 166A, which is administered by the Cable Television Division of the Department of Telecommunications and Energy. *The campaign finance law's role in this area is limited solely to the political use of cable television resources that are owned by a public entity or located in a building occupied for state, county or municipal purposes.* Questions relating to the *programming* of cable television resources should be addressed to the Cable Television Division. In general, candidates, public officials and municipal residents with questions in this area should contact the Cable Television Division at (617) 305-3580 or 1-888-MA CBL TV (1-888-622-2588) or on-line at www.state.ma.us/dpu/catv.

The campaign finance law prohibits the use of public resources for political purposes. See Anderson v. City of Boston 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1060 (1979). In Anderson, the court stated that the use of facilities paid for by public funds would be improper, "at least unless each side were given equal representation and access." Therefore, Anderson would prohibit the political use of cable television resources, *which are owned by a public entity or located in a building occupied for state, county or municipal purposes, unless equal access is provided to proponents, and opponents of a candidate, party or ballot question.*

"Equal access" means that proponents and opponents who request and obtain space for a meeting, hearing or other event must be provided space on the same terms and conditions. "Equal access" does not mean, however, that proponents or opponents must be invited to attend a particular event or must be asked to speak at an event. See IB-91-01.

